

James Q. Taylor-Copeland (284743)
james@taylorcopelandlaw.com
TAYLOR-COPELAND LAW
501 W. Broadway, Suite 800
San Diego, CA 92101
Telephone: (619) 400-4944
Facsimile: (619) 566-4341

Damien J. Marshall (Admitted *pro hac vice*)
dmarshall@bsfllp.com
BOIES SCHILLER FLEXNER LLP
55 Hudson Yards, 20th Floor
New York, NY 10001
Telephone: (212) 446-2300
Facsimile: (212) 446-2350

Marc M. Seltzer (54534)
msettzer@susmangodfrey.com
Steven G. Sklaver (237612)
ssklaver@susmangodfrey.com
Oleg Elkhunovich (269238)
oelkhunovich@susmangodfrey.com
Meng Xi (280099)
mxi@susmangodfrey.com
SUSMAN GODFREY L.L.P.
1900 Avenue of the Stars, 14th Floor
Los Angeles, CA 90067
Telephone: (310) 789-3100
Facsimile: (310) 789-3150

Maxwell V. Pritt (SBN 253155)
mpritt@bsflp.com
BOIES SCHILLER FLEXNER LLP
44 Montgomery Street, 41st Floor
San Francisco, CA 94104
Telephone: (415) 293-6800
Facsimile: (415) 293-6899

P. Ryan Burningham (*pro hac vice*)
rburningham@susmangodfrey.com
SUSMAN GODFREY L.L.P.
1201 Third Avenue, Suite 3800
Seattle, WA 98101
Telephone: (206) 516-3880
Facsimile: 206) 516-3883

Menno Goedman (SBN 301271)
mgoedman@bsflp.com
BOIES SCHILLER FLEXNER LLP
1401 New York Avenue, N.W.
Washington, DC 20005
Telephone: (202) 237-2727
Facsimile: (202) 237-6131

*Attorneys for Defendants Ripple Labs, Inc.,
XRP II LLC, and Bradley Garlinghouse*

Counsel for Lead Plaintiff Bradley Sostack

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

In re RIPPLE LABS INC. LITIGATION,

Case No. 18-cv-06753-PJH

This Document Relates To:
ALL ACTIONS

**JOINT ADMINISTRATIVE MOTION
TO CONSIDER WHETHER CASES
SHOULD BE RELATED AND
CONSOLIDATED FOR PRETRIAL
PURPOSES**

(Civil L.R. 3-12 and 7-11)

Judge: Hon. Phyllis J. Hamilton

Pursuant to this Court’s Order, Dkt. 35 at ¶¶ 6-7, as well as Northern District of California Civil Local Rules 3-12(a) and 7-11(a), Defendants Ripple Labs Inc., XRP II, LLC, and Bradley Garlinghouse (collectively “Ripple”) and Lead Plaintiff Bradley Sostack, by and through their undersigned counsel, hereby move the Court to consider whether the recently-filed action, *Bitcoin Manipulation Abatement LLC v. Ripple Labs, Inc.* (hereinafter, “BMA”), is related to the putative class action, *In re Ripple Labs Inc. Litig.*, pending before this Court.¹

In order of filing date, the matters submitted for determination under Civil Local Rule 3-12(b) are as follows:

| Case Name | Case Number | Filing Date |
|-------------------------------------------------------------------------|--------------------|-----------------------------|
| <i>In re Ripple Labs Inc. Litigation</i> | 4:18-cv-6753-PJH | August 5, 2019 ² |
| <i>Bitcoin Manipulation Abatement LLC v. Ripple Labs, Inc., et. al.</i> | 3:20-cv-3022-RS | May 1, 2020 |

Civil Local Rule 3-12(a) provides that an action is related to another “when (1) [t]he actions concern substantially the same parties, property, transaction or event; and (2) [i]t appears likely that there will be an unduly burdensome duplication of labor and expense or conflicting results if the cases are conducted before different Judges.” These criteria are met here.

To begin, Plaintiff Bitcoin Manipulation Abatement LLC’s Civil Cover Sheet concedes these two cases are related. *See* Civil Cover Sheet, BMA, No. 20-cv-3022 (N.D. Cal. May 1, 2020), ECF 1-1. Indeed, Defendants in both actions are identical. Likewise, plaintiff’s allegations in BMA suggest that it may be a member of the putative class alleged in this action. *See* Complaint, *Bitcoin Manipulation Abatement LLC v. Ripple Labs, Inc.*, No. 20-cv-3022 (N.D. Cal. May 1, 2020), ECF 1 at ¶ 181 (“Plaintiff . . . purchased XRP securities from Defendants.”). Moreover, the complaint in BMA is a near-verbatim copy of the operative First Amended Complaint in this action, and both actions assert the same seven causes of action. Finally, the cases share an identical theory of liability: Ripple allegedly offered, promoted, and sold XRP and were allegedly required to, but did not, register

¹ Per Civil Local Rule 7-11(a), a declaration in support of this Administrative Motion is being concurrently filed.

² Mr. Sostack filed a Consolidated Complaint in this Court on August 5, 2019, Dkt. 63, which superseded three earlier actions filed in 2018 in California Superior Court that had been removed to the Northern District of California, Dkt. 1-1, 2-1.

1 XRP with the SEC.

2 Because this action and *BMA* involve and concern nearly-identical parties, transactions, and
 3 events, it would be inefficient, unduly burdensome, and duplicative to have these cases proceed
 4 before two different judges. Relating these actions serves the interests of justice and furthers judicial
 5 economy.

6 On March 18, 2019, this Court issued an Order Regarding Publication of Notice Pursuant to
 7 the Private Securities Litigation Reform Act, 15 U.S.C. § 77z-1, Briefing Schedule On Motion For
 8 Appointment As Lead Plaintiff, Filing of Lead Plaintiffs' Consolidated Complaint And Defendants'
 9 Response To The Consolidated Complaint ("Order"). Dkt. 35. The Order provides that, once filed,
 10 "[t]he consolidated complaint shall be the operative complaint and shall supersede all complaints
 11 filed in any action consolidated into this Action." *Id.* at ¶ 4. The Court held that "[a]ll related actions
 12 that are subsequently filed in . . . this District shall be consolidated into this action for pretrial
 13 purposes," and then instructed that "[t]he parties shall file an Administrative Motion to Consider
 14 Whether Cases Should be Related pursuant to Civil L.R. 3-12 whenever a case that should be
 15 consolidated into this action is filed in . . . this District." *Id.* at ¶¶ 6-7. Thus, should the Court
 16 determine that these actions are related, it should also order the cases consolidated for pretrial
 17 purposes. *Id.*

18 For the foregoing reasons, Ripple and Mr. Sostack respectfully request that this Court order
 19 that (1) *BMA* is related to this action, and (2) the cases are consolidated for pretrial purposes consistent
 20 with this Court's prior order.

21
 22 Dated: May 11, 2020

23 By: /s/ Steven G. Sklaver

24 Steven G. Sklaver
 SUSMAN GODFREY L.L.P.
 1900 Avenue of the Stars, 14th Floor
 25 Los Angeles, CA 90067
 26 SSklaver@susmangodfrey.com
 27 *Counsel for Plaintiff*

Respectfully submitted,

28 By: /s/ Damien J. Marshall

Damien J. Marshall
 BOIES SCHILLER FLEXNER LLP
 55 Hudson Yards, 20th Floor
 New York, NY 10001
DMarshall@bsflp.com
 28 *Counsel for Defendants*